



STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF NURSING

IN THE MATTER OF THE SUSPENSION	:	
OR REVOCATION OF THE LICENSE OF	:	
	:	
KIMBERLY ANN HURBAN, LPN	:	ADMINISTRATIVE ACTION
License No.26NP04737000	:	
	:	
	:	FINAL ORDER OF
	:	DISCIPLINE
TO PRACTICE NURSING IN THE STATE	:	
OF NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Nursing (the "Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Kimberly Ann Hurban ("Respondent") is a Licensed Practical Nurse in the State of New Jersey and has been a licensee at all times relevant hereto.

2. On or about May 20, 2013, Respondent completed and submitted an online biennial renewal for the period of June 1, 2013 to May 31, 2015.

3. Respondent was asked on the biennial renewal application whether Respondent would have "completed the required continuing education credits by May 31, 2013," referring to the biennial renewal period of June 1, 2011 to May 31, 2013. Respondent

answered "Yes" and certified that answer by submitting the online application.

4. Upon receipt of a flagging notice indicating that Respondent was arrested on May 13, 2014 by the North Brunswick Police Department for violation of N.J.S.A. 2C:21-5C(1) (Bad Checks), the Board sent a letter of inquiry requesting certain information and documents regarding the criminal matter, Respondent's nursing practice, and continuing education to Respondent's address of record in Deptford, New Jersey, via regular and certified mail on or about June 6, 2014. The regular mailing was not returned. The United States Postal Service track and confirm system indicates that the certified mailing was delivered in Deptford on June 10, 2014.

5. To date, Respondent has not sufficiently responded to the Board's request for information. On June 26, 2014, Respondent provided the Board with copies of the Certified Disposition, which stated the charges against Respondent were dismissed on May 13, 2014. The Board received no further communication from Respondent.

CONCLUSIONS OF LAW

Respondent's failure to fully respond to the Board's request for information constitutes a failure to cooperate with a Board investigation, in contravention of N.J.A.C. 13:45C-1.2 and 1.3, which the Board deems professional misconduct pursuant to N.J.S.A.

45:1-21(e) and also subjects Respondent to disciplinary action pursuant to N.J.S.A. 45:1-21(h).

Pursuant to N.J.A.C. 13:37-5.3(b), nurses are required to complete a minimum of thirty (30) hours of continuing education during the preceding biennial period in order to renew their licenses. Pursuant to N.J.A.C. 13:37-5.3(f), nurses are required to maintain documentation of completion of continuing education for a period of four years after completion, and shall submit such documentation to the Board upon request.

By virtue of having failed to respond to the letter of inquiry, Respondent is deemed to have failed to demonstrate, to the satisfaction of the Board, that Respondent completed the continuing education credits required for renewal during the biennial period of June 1, 2011 to May 31, 2013. The Board therefore finds Respondent in violation of N.J.A.C. 13:37-5.3(b) and 13:37-5.3(f), which in turn subjects Respondent to sanctions pursuant to N.J.S.A. 45:1-21(e) and (h).

Respondent's use of dishonesty and misrepresentation during the license renewal process in falsifying her continuing education information constitutes a violation of N.J.S.A. 45:1-21(b), subjecting Respondent to sanctions.

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on October 17, 2014, provisionally suspending respondent's nursing license, and

provisionally imposing a reprimand and a total of \$750 in civil penalties. A copy of the Order was served upon respondent by certified and regular mail at respondent's address of record. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Respondent replied to the Provisional Order, providing her current mailing address and information concerning her May 13, 2014 arrest. However, respondent provided documentation of completion of only eleven (11) contact hours of nursing continuing education to be attributed to the 2011-2013 licensing cycle. The Board considered this matter, and determined that respondent's nursing license should be suspended until she submitted certificates of completion documenting an additional nineteen (19) contact hours to be attributed to the 2011-2013 licensing cycle. However, the Board determined that Ms. Hurban should be afforded an additional ten days within which to furnish this documentation. The Board further determined that imposition of the reprimand was still warranted, as

were the monetary penalties for failure to fully respond to the Board's initial inquiry, and failure to timely complete continuing education for the 2011-2013 licensing cycle. Notice was sent to respondent by overnight and regular mail on February 17, 2015, indicating that she was requested to provide documentation of additional continuing education within ten days. The overnight mailing of this communication was delivered on February 18, 2015. No response has been received to date.

ACCORDINGLY, IT IS on this 17th day of March, 2015,

ORDERED that:

1. Respondent's license to practice nursing is hereby suspended until such time as Respondent provides the Board with documentation of completion of thirty hours of continuing education for each biennial renewal period from June 1, 2011 to the time of reinstatement. Continuing education hours taken currently and applied to cure the deficiency from a previous biennial period shall not be used to satisfy the requirements of the current biennial period.

2. A reprimand is hereby imposed on Respondent for falsifying the continuing education information on her license renewal application.

3. Respondent is hereby assessed a total civil penalty in the amount of seven hundred and fifty dollars (\$750). Said penalty is an aggregate penalty, which includes a penalty in the amount of

five hundred dollars (\$500) for failure to cooperate with a Board investigation and a penalty in the amount of two hundred and fifty dollars (\$250) for failing to timely complete required continuing education. Payment shall be made by certified check or money order, payable to the State of New Jersey, delivered to George Hebert, Executive Director, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Payment shall be made no later than 15 days after the entry of this order. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A 45:1-24 and the Board may bring such other proceedings as authorized by law.

4. Upon finalization of this Order, Respondent shall refrain from practicing as a nurse and shall not represent herself as a Licensed Practical Nurse until such time as her license is reinstated. Any practice in this State prior to reinstatement shall constitute grounds for a charge of unlicensed practice.

NEW JERSEY STATE BOARD OF NURSING

By: Patricia Murphy PLD APR
Patricia Murphy, PhD, APN
President